

ESTTA Tracking number: **ESTTA562034**

Filing date: **09/30/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

|                            |  |             |              |
|----------------------------|--|-------------|--------------|
| Name                       | Bona-Fido, LLC   |             |              |
| Entity                     | Limited Liability Company  | Citizenship | Rhode Island |
| Address                    | P.O. Box 212<br>Scituate, RI 02857<br>UNITED STATES  |             |              |
| Correspondence information | Cheryl Clarkin; Barlow, Josephs & Holmes<br>Attorney of Record<br>101 Dyer Street, 5th Floor<br>Providence, RI 02903<br>UNITED STATES<br>cac@barjos.com Phone:401-273-4446 |             |              |

### Registration Subject to Cancellation

|                 |   |                   |            |
|-----------------|---|-------------------|------------|
| Registration No | 2141488   | Registration date | 03/03/1998 |
| Registrants     | <p>SCHMID, ANNE<br/>22961 Bartolome<br/>Mission Viejo, CA 92692<br/>UNITED STATES</p> <p>RASILE, JOHN<br/>22961 Bartolome<br/>Mission Viejo, CA 92692<br/>UNITED STATES</p> |                   |            |

### Goods/Services Subject to Cancellation

|   |
|---|
| <p>Class 018. First Use: 1996/10/00 First Use In Commerce: 1996/10/00<br/>All goods and services in the class are cancelled, namely: animal husbandry equipment, namely, leashes, collars, harnesses, tethers, training and other restraint leashes</p> |
|---|

### Grounds for Cancellation

|             |                          |
|-------------|--------------------------|
| Abandonment | Trademark Act section 14 |
|-------------|--------------------------|

|             |   |
|-------------|---|
| Attachments | cancellation petition.pdf(56498 bytes ) |
|-------------|---|

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

|           |  |
|-----------|--|
| Signature | /cac/                                    |
| Name      | Cheryl Clarkin; Barlow, Josephs & Holmes |
| Date      | 09/30/2013                               |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

|                              |   |                        |
|------------------------------|---|------------------------|
| Bona-Fido, LLC               | ) |                        |
|                              | ) |                        |
| Petitioner,                  | ) |                        |
|                              | ) |                        |
| v.                           | ) | Cancellation No. _____ |
|                              | ) |                        |
| John Rasile and Anne Schmid, | ) |                        |
|                              | ) |                        |
| Registrant.                  | ) |                        |

**PETITION FOR CANCELLATION**

This Petition for Cancellation relates to the registration of John Rasile and Anne Schmid (hereinafter "Registrant"), individuals, whose address is 22961 Bartolome, Mission Viejo, California 92692, for the mark THE BONAFIDO COMPANY, in International Class 18, shown in Registration No. 2141488, registered March 3, 1998.

Bona-Fido, LLC (hereinafter "Petitioner"), a limited liability company of the state of Rhode Island, having an address at P.O. Box 212, Scituate, Rhode Island 02857, believes it will be damaged by the continued registration of Registration No. 2141488, and hereby seeks cancellation of the registration of said mark.

The grounds for the Petition for Cancellation are as follows:

1. On April 30, 2013, Petitioner filed an intent-to-use application to register the trademark BONA-FIDO (and Design) on the Principal Register for use in connection with pet food and pet treats in Class 31. The application was assigned Serial No. 85/611641.

2. On April 1, 2013, the Examining Attorney in Petitioner's application denied registration on the grounds that Petitioner's mark is confusingly similar to the Registrant's prior U.S. Registration No. 2141488 for THE BONAFIDO COMPANY for animal husbandry equipment, namely, leashes, collars, harnesses, tethers, training and other restraint leashes in Class 18.

3. Upon information and belief, Registrant is not currently using, and has not used for at least the past three consecutive years, THE BONAFIDO COMPANY mark in United States commerce in connection with the goods listed in Class 18 and has no intent to resume such use.

4. Petitioner is damaged and will continue to be damaged because Registrant's continued registration of THE BONAFIDO COMPANY mark, covering animal husbandry equipment, namely, leashes, collars, harnesses, tethers, training and other restraint leashes in Class 18, stands as a bar to Petitioner's ability to federally register and protect its BONA-FIDO (and Design) trademark.

WHEREFORE, Petitioner believes that it will be damaged by Registrant's Registration No. 2141488 and prays that this Petitioner for Cancellation be granted and that judgment be entered against Registrant.

Respectfully submitted

By: /Cheryl A. Clarkin/  
BARLOW, JOSEPHS & HOLMES, LTD.  
101 Dyer Street, 5<sup>th</sup> Floor  
Providence, Rhode Island 02903  
Tel.: 401-273-4446

Attorney for Petitioner  
Bona-Fido, LLC

September 30, 2013

## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION was served on Respondent's Attorney of Record, as listed in the USPTO TARR Database, this 30th day of September, 2013 by sending same via First Class Mail, postage prepaid, to:

Steward L. Gitler, Esq.  
Welsh Flaxman & Gitler LLC  
2000 Duke Street  
Suite 100  
Alexandria, VA 22314

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION was served on Registrant, as listed in the USPTO TARR Database, this 30th day of September, 2013 by sending same via First Class Mail, postage prepaid, to:

John Rasile  
Anne Schmid  
22961 Bartolome  
Mission Viejo, CA 22961

/Cheryl A. Clarkin/  
Cheryl A. Clarkin